Docket No.: A-2875

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applic. No.	:	09/981,847 Confirmation No.: 7052
Inventor	:	Edelbert König
Filed	:	October 18, 2001
Title	:	Method for Transmitting Data Between a First and a Second Computing Unit
TC/A.U.	:	2153
Examiner	:	Lashanya Renee Nash
Customer No.	:	**24131**

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

SUBSTITUTE BRIEF ON APPEAL

S i r :

This is an appeal from the final rejection in the Office action dated July 21, 2005, finally rejecting claims 1 and 3-13.

Appellants submit this *Substitute Brief on Appeal*, response to the Notice of Non-Compliant Appeal Brief dated March 19, 2007.

Real Party in Interest:

This application is assigned to Heidelberger Druckmaschinen AG of Heidelberg, Germany. The assignment will be submitted for recordation upon the termination of this appeal.

Related Appeals and Interferences:

No related appeals or interference proceedings are currently pending which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Status of Claims:

Claims 1 and 3-13 are rejected and are under appeal. Claim 2 was cancelled.

Status of Amendments:

No claims were amended after the final Office action. A *Response under 37 CFR § 1.116* was filed on September 21, 2005. The Primary Examiner stated in an *Advisory Action* dated October 20, 2005, that the request for reconsideration had been considered but did not place the application in condition for allowance.

Summary of the Claimed Subject Matter:

As stated in the first paragraph on page 1 of the specification of the instant application, the invention relates to a method for transmitting data between two computing units.

The subject matter of each independent claim is described in the specification of the instant application. Examples explaining the subject matter defined in each of the independent claims, referring to the specification by page and line numbers, and to the drawings, are given below.

Independent method claim 1 recites a method for establishing a data connection and for transmitting data from a first computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)* to a second computing unit *(Figs. 1 and 2, ref. # 2, page 8, line 16)*, which comprises:

in the first computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)*, selecting and reading out from a database *(Fig. 2, ref. # 16, page 10, line 1)* an address of the second computing unit *(Figs. 1 and 2, ref. # 2, page 8, line 16)* in a selection program;

establishing a connection (Fig. 4, ref. # 120, page 17, lines 5-8) with the address of the second computing unit *(Figs. 1 and*

2, ref. # 2, page 8, line 16);

initially performing a version comparison between the first *(Figs. 1 and 2, ref. # 1, page 8, line 12)* and the second computing units *(Figs. 1 and 2, ref. # 2, page 8, line 16)* with respect to an employed communications protocol;

after the communications protocol is determined, establishing a data connection for transmitting data (Fig. 4, ref. # 130, page 13, line 25 to page 14, line 3);

displaying a specified number of diagnostic programs (Fig. 4, ref. # 140, page 15, line 25) stored in the second computing unit *(Figs. 1 and 2, ref. # 2, page 8, line 16)* after the data connection is established;

selecting and starting one of the diagnostic programs (Fig. 4, ref. # 160 and 170, page 18, lines 2-10) via the first computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)*; and

transmitting results of the one diagnostic program (Fig. 4, ref. # 180, page 18, lines 23-26) to the first computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)*.

Independent apparatus claim 12 recites a computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)* comprising:

a memory *(Fig. 1, ref. # 6, page 8, line 15)*, and at least one of hardware or software for selecting and reading out from a database *(Fig. 2, ref. # 16, page 10, line 1)* an address of a second computing unit *(Figs. 1 and 2, ref. # 2, page 8, line 16)* in a selection program, for establishing a connection with the address of the other computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)*, for initially performing a version comparison between the computing units with respect to an employed communications protocol, and for establishing, after the communications protocol is determined, a data connection for transmitting data, displaying a specified number of diagnostic programs stored (Fig. 4, ref. # 140, page 15, line 25) in said second computing unit *(Figs. 1 and 2, ref. # 2, page 8, line 16)* after the data connection is established, selecting and starting one of the diagnostic programs (Fig. 4, ref. # 160 and 170, page 18, lines 2-10) via the computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)*, and transmitting results of the one diagnostic program (Fig. 4, ref. # 180, page 18, lines 23-26) to the computing unit *(Figs. 1 and 2, ref. # 1, page 8, line 12)*.

Grounds of Rejection to be Reviewed on Appeal

1. Whether or not claims 1 and 12 are obvious over (U.S. Patent No. 6,098,108) in view of (WO 00/49501) (hereinafter "Collin") under 35 U.S.C. § 103. under 35 U.S.C. §103.

Argument:

Whether claims 1 and 12 are obvious over Sridhar in view of Collin under 35 U.S.C. §103.

Claims 1 and 12 are not obvious over Sridhar in view of Collin under 35 U.S.C. §103:

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 12 call for, *inter alia*:

displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest **all** the claim limitations.

The references do not show or suggest displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit, as recited in claims 1 and 12 of the instant application.

The Examiner correctly stated that Sridhar fails to disclose "displaying a specified number of diagnostic programs stored in the second computing unit after the data connection is established; selecting and starting one of the diagnostic programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit."

As will be seen from the following comments, the Collin reference **does not** make up for the deficiencies of Sridhar.

The rejection made by the Examiner over Collin is based on a misunderstanding with respect to the words "client" and "server" as used in Collin. The Examiner incorrectly assumes

that Collin discloses a typical client-server computer system with one client computer and one server computer. However, Collin discloses a **single** computer system. Therefore, there is only one computer hardware system that runs several programs with program modules, some modules named server applications and some modules named client applications. This is disclosed in Figs. 1 and 2 of Collin and in the corresponding description. Fig. 1 of Collin shows an exemplary computer system and Fig. 2 of Collin shows another embodiment of an exemplary computer system.

Collin discloses that the computer system (100) (Fig. 1) includes a server driver (102) and a server application (104). The single computer system (100) includes an x-system (106) and an x-application (108) (page 7, lines 5-15). However, all the all computer modules (102, 102, 106, and 108) run on the same computer hardware system (100), which is the only computer hardware system. Messages, events, signals and the like can be passed from one of the applications (102, 102, 106, and 108) to another application of the above-mentioned computer modules. There is no second computer hardware unit to which a connection is made via the Internet or via other computer networks.

On page 8, lines 12-26, the instant application discloses that the wording of "computing unit", used in independent claims 1 and 12, is a computer hardware system. This indicates that a first computing unit and a second computing unit are clearly disclosed as two separate computer systems that can communicate via the Internet or other networks. Establishing a connection from a first computing unit to a second computing unit, as disclosed in the instant application, indicates that a network connection is established between the first computer hardware and the second computer hardware. This is contrary to Collin, which discloses passing information from one application to another application **within** the same computer system (100). Collin does not disclose a network connection, Collin only discloses that computer modules on the same computer system (100) interact with each other.

In Fig. 2 and the corresponding specification on page 8, second paragraph, Collin discloses a second exemplary computer system (200), which **does not** interact with the computer system (100). The second computer system (200) is just a second example of an embodiment of a similar computer system. Therefore, the second computer system (200) of Collin is not a second computer system as recited in claims 1 and 12 of the instant application. Instead, it is another computer system like the first computer system (100) of Collin. Collin

discloses that the second computer system (200) runs several applications or computer modules like a message server driver (204), a modem system (202), a signal server driver (206), and signal servers (208 and 210). The horizontal line in Fig. 2 of Collin only separates certain levels within one and the same computer system (200), the horizontal line is not a line between two or more computer systems. Collin discloses that there is a kernel mode level and an application mode level. The kernel mode level is the core program of the computer system, whereas the application mode level is a subsequent level.

In the first paragraph on page 9, Collin discloses that the diagnosis is only done on the second computer system (200), where all messages and reports are created. If desired, support personnel can ask the user to send the data base which has been created on the only computer system (200) to their computer. According to claims 1 and 12 of the instant application, no databases are sent from a first computing unit to a second computing unit. Instead, in the instant application, only one database is stored on a first computing unit wherein all addresses of several second computing units are stored. If a certain second computing unit is selected in the database, a connection is established to the selected second computing unit and then a version comparison between

the first and the second computing units is done with respect to an employed communications protocol. After the proper communication protocol has been successfully determined, data connection for transmitting data is established. Next, a number of diagnostic programs stored in the second computing unit are transmitted to the first computing unit so that the user at first computing unit can select and start one of the diagnostic programs in the second computing unit via the first computing unit. Such a process is not disclosed in Collin. In Collin, the diagnostic programs are just stored on the first (only) computer unit and are selected by the user of the first (only) computer unit. When the diagnostics are completed, the whole result wrapped in a database can be sent to the support personnel or the developers' company.

Collin discloses the software architecture of one computer system, which is able to pass the database to a support company. The only disclosure of a second computing system in Collin is on page 9, lines 3-5, where it is disclosed that the interaction is limited to passing a database from a single computer system to support personnel. Collin does not disclose interaction within a client-server system with several computer units. This is contrary to the invention of the instant application, recites displaying a specified number of diagnostic programs stored in said second computing unit

after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

The references applied by the Examiner **do not** teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Furthermore, the following remarks pertain to the Advisory action dated October 20, 2004.

The Examiner has the incorrect opinion that Collin discloses two different computer systems, one computer system being the server and one computer system being the client. As seen from the above-given remarks, Collin only discloses one computer system, which includes client and server modules. As seen from the first paragraph on page 4 of Collin, a computer system in the meaning of Collin is just a single computer, otherwise the sentence in lines 3-5 disclosing that a communication between the computer system and another computer system over a modem system would be meaningless and useless.

Furthermore, appellant refers to Figs. 1 and 2 and the corresponding description parts of Collin, where it is

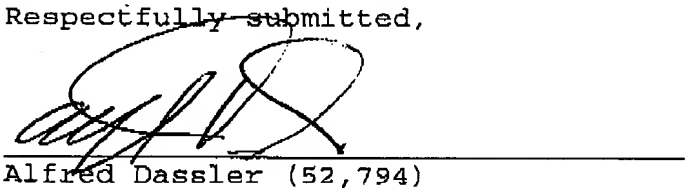
explicitly disclosed that items (100 and 200), which include all items in each figure, are computer systems, (page 8, last two lines of first paragraph and second paragraph on page 8). The broken lines in Figs. 1 and 2 are not a border between two different computer systems but instead they are the border within a single computer system for separating the application mode level from the kernel mode level. The second paragraph on page 8 of Collin discloses that the modem system (202), the message server driver (204) and the signal server driver (206) are at the kernel mode level of the computer system (200), whereas signal servers (208, 210) are at the application mode level. Also, the information channels cited by the examiner are created in one of the computer systems (100, 200) and not between two computer systems (100 and 200).

Therefore, the Examiner's assertion in the Advisory action that Collin discloses the server and client are separate computing units are incorrect. As such, the Examiner's allegations regarding the displaying steps and the selection and starting of programs, which follow are also not correct. Accordingly, the Examiner's allegations that Sridhar in combination with Collin teach all of the limitations set forth in claims 1 and 12 is not correct. The honorable Board is therefore respectfully requested to disregard the Examiner's comments in the Advisory action.

Accordingly, claims 1 and 12 are allowable.

Based on the above-given remarks, the honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

Respectfully submitted,



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Claims Appendix:

1. A method for establishing a data connection and for transmitting data from a first computing unit to a second computing unit, which comprises:

in the first computing unit, selecting and reading out from a database an address of the second computing unit in a selection program;

establishing a connection with the address of the second computing unit; initially performing a version comparison between the first and the second computing units with respect to an employed communications protocol;

after the communications protocol is determined, establishing a data connection for transmitting data;

displaying a specified number of diagnostic programs stored in the second computing unit after the data connection is established;

selecting and starting one of the diagnostic programs via the first computing unit; and

transmitting results of the one diagnostic program to the

first computing unit.

3. The method according to claim 1, which includes:

displaying a specified number of diagnostic programs for monitoring a printing press connected to the second computing unit;

selecting and starting one of the diagnostic programs via the first computing unit; and

transmitting results of the one diagnostic program to the first computing unit.

4. The method according to claim 3, which includes providing a table wherein diagnostic programs are assigned to specified printing presses, so that when establishing a connection, the diagnostic programs pertaining to a printing press are displayed for selection.

5. The method according to claim 3, which includes, depending upon the diagnostic program that is selected, establishing a communications protocol via which data are transmitted between the first and the second computing units.

6. The method according to claim 3, which includes, depending upon the diagnostic program that is selected, providing a specified number of data ports via which data are transmitted.

7. The method according to claim 6, which includes transmitting specified data only via specified data ports.

8. The method according to claim 7, which includes outputting the data in parallel via the data ports, and transmitting the data output serially in data packets via the data connection.

9. The method according to claim 8, which includes providing in each data packet an identifier for the data port, which indicates the data port from which the data were output.

10. The method according to claim 1, which includes selecting a type of control with which a printing press is controlled by the computing unit and, depending upon the control that is selected, selecting at least one of a communications protocol and a diagnostic program.

11. The method according to claim 1, which includes selecting a type of control with which a printing press is

controlled by the computing unit and, depending upon the control that is selected, displaying at least one of a communications protocol and a diagnostic program for selection.

12. A computing unit comprising:

a memory, and at least one of hardware or software for selecting and reading out from a database an address of a second computing unit in a selection program, for establishing a connection with the address of the other computing unit, for initially performing a version comparison between the computing units with respect to an employed communications protocol, and for establishing, after the communications protocol is determined, a data connection for transmitting data, displaying a specified number of diagnostic programs stored in said second computing unit after the data connection is established, selecting and starting one of the diagnostic programs via the computing unit, and transmitting results of the one diagnostic program to the computing unit.

13. The method according to claim 1, wherein the diagnostic programs stored in the memory of the second computing unit are used for monitoring a printing press..

Evidence Appendix:

No evidence pursuant to && 1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner and relied upon by appellant in the appeal.

Related Proceedings Appendix:

Since there are no prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal, no copies of decision rendered by a court or the Board are available.